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SEP 03 2004

In re Application of :
Zhang et al. :
Application No. 10/766,631 : DECISION GRANTING PETITION
Filed: January 28, 2004 :
Attorney Docket No. TPiP018X2 :

OFFICE OF PETITIONS

This is a decision on the petition filed August 23, 2004, requesting that the above-identified application be accorded a filing date of January 28, 2004.

On January 28, 2004, applicants deposited the above-identified application. On June 21, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted item.

In response, on August 23, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 5 drawing sheets. Additionally, applicants submitted a copy of 5 sheets of drawings, consisting of Figures 1-5.

Upon review of the record, 5 sheets of drawings (Figures 1-5), deposited on January 28, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 28, 2004, included 5 sheets of drawings (Figures 1-5), which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 5 sheets of drawings (Figures 1-5), was complete on filing and will be granted a filing date of January 28, 2004.

Accordingly, the petition is granted.

The requirement to submit drawings set forth in the Notice of June 21, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of January 28, 2004, using the 5 sheets of drawings (Figures 1-5) submitted on petition, and to mail a corrected filing receipt. The Office records should indicate that 5 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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